IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 6608 of 2005

Between:

Venigalla Krishna Murthy, s/o Nagaiah,
r/o Enkepadu Vijayawada Rural Mandal, Krishna District.

..... PETITIONER

AND

Vijayawada-Guntur-Tenali-Mangalagiri Urban Development Authority, rep.,

by its Vice-Chairman, Vijayawada.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, or order or direction more particularly one in the nature of writ of mandamus declaring as illegal and arbitrary the action of the respondent in seeking to demolish the temporary structure of the petitioner in the land of an extent of Ac.0.09 cents in S.No.207/6A2 situate in Enikepadu Village, Vijayawada Rural Mandal, Krishna District without putting the petitioner on notice and in violation of provisions of A.P.Urban Areas Development Act and consequentially direct the respondent not to demolish temporary structure of the petitioner in an extent of Ac.0.09 cents in S.No.207/6A2 situate in Enikepadu Village, Vijayawada Rural Mandal, Krishna District but consider approving the plan submitted by the petitioner on 17-3-2005 as per law.

Counsel for the Petitioner : MR.D.V.SITARAMAMURTHY

Counsel for the Respondent No.: MR.P.M.GOPALA RAO

The Court at the admission stage, made the following :

ORDER:

This Writ Petition is filed by the petitioner seeking a Writ of Mandamus declaring the alleged action of the respondent in seeking to demolish the temporary structure erected by the petitioner in the land of an extent of Ac.0.09 cents in S.No.207/6A2 situate in Enikepadu Village, Vijayawada Rural Mandal as arbitrary and illegal.

The case of the petitioner is that the land in question is his own land wherein he has erected a temporary shed. It is alleged that the officials of the respondent have been taking high-handed steps to demolish the said structures without putting the petitioner on notice and without following the procedure as contemplated under the provisions of the A.P. Urban Areas Development Act. Hence, this writ petition.

I have heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent.

Having regard to the facts and circumstances of the case and keeping in view the assertions made by the petitioner, the writ petition is disposed of with a direction to the respondent not to demolish the structures raised by the petitioner on the land in question, without following due process of law. No costs.

G.ROHINI, J

Dt: 28.03.2005

bsv

To

1. The Vice-Chairman,Vijayawada-Guntur-Tenali-Mangalagiri Urban Development Authority,Vijayawada.

2. Two CD copies